IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO: 19824 of 2004

Between:

1 G.Sadanand, S/o.Late Shivaiah,
R/o.H.No.6-3-902/A, Somajiguda, Hyderabad.
2 G.Dayanand, S/o.Late Shivaiah,
R/o.H.No.6-3-902/A, Somajiguda, Hyderabad.
3 G.Krishna, S/o.Late Shivaiah,
R/o.H.No.6-3-902/A, Somajiguda, Hyderabad.
4 G.Mallesh, S/o.Late Shivaiah,
R/o.H.No.6-3-902/A, Somajiguda, Hyderabad.

.... PETITIONERS

AND

1 Municipal Corporation of Hyderabad, rep.by its

Commissioner, office at Tank Bund, Hyderabad.

2 The Assistant City planner, circle-V, Municipal Corporation of

Hyderabad.

3. Jagnandan Mallik D/o late M.S.Malik, 6-3-903/8/1,

Somajiguda, Hyderabad.

(R-3 is impleaded as per Court order dated 4.3.2005 in

W.P.M.P.No.1328/05).

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing the impugned notice U.C.NO.0474/UC/C5/MCH/03-04 dt. 25-10-2004 as arbitrary, illegal and violative of Article 14 & 21 of the Constitution of India consequently set-aside the same as the same is also in gross violation of provisions of the HMC Act, 1955 and in gross violation of principles of Natural justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.HARENDER PRASAD

Counsel for the Respondent Nos.1&2: SMT.G.JYOTHI KIRAN

Counsel for Respondent No.3 : Vilas V.Afzul Purkar

The Court made the following:

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ORDER:

Learned counsel for the petitioner states that he intends to withdraw the writ petition and therefore the writ petition may be dismissed as withdrawn.

2. The contention of the learned counsel for the third respondent, who came on record by virtue of orders dated 04.03.2005 in W.P.M.P.No.1328 of 2005, is that when the Municipal Corporation gave a notice asking the writ petitioners to stop the unauthorized construction, they filed this writ petition and obtained an interim order and when the third respondent filed a petition to implead himself as a party to bring to the notice of the Court about the facts that have happened, and after the Municipal Corporation filed its counter, petitioner is coolly withdrawing the writ petition after completing construction under the guise of the orders of stay obtained from this Court.

3. In the circumstances stated, the writ petition is dismissed with costs. Advocate fee is fixed at Rs.2500/-. It is made clear that if the construction made by the petitioners are in violation of the provisions of Building Rules or any other provisions of the Hyderabad Municipal Corporation Act, the Municipal Corporation is at liberty to proceed against the petitioners.

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C.Y.SOMAYAJULU, J

Dated: 04.03.2005

To

1 The Commissioner, Municipal Corporation of Hyderabad,office at Tank Bund, Hyderabad.
2 The Assistant City planner, circle-V, Municipal Corporation of

Hyderabad.

3 2 CD copies.

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